

1 advanced communication technologies as part of our
2 nation's healthcare delivery system require greater
3 coordination and cooperation among states in the areas of
4 nurse licensure and regulation;

5 (4) new practice modalities and technology make
6 compliance with individual state nurse licensure laws
7 difficult and complex;

8 (5) the current system of duplicative licensure for
9 nurses practicing in multiple states is cumbersome and
10 redundant to both nurses and states.

11 (b) The general purposes of this Compact are to:

12 (1) facilitate the states' responsibility to
13 protect the public's health and safety;

14 (2) ensure and encourage the cooperation of party
15 states in the areas of nurse licensure and regulation;

16 (3) facilitate the exchange of information between
17 party states in the areas of nurse regulation,
18 investigation and adverse actions;

19 (4) promote compliance with the laws governing the
20 practice of nursing in each jurisdiction;

21 (5) invest all party states with the authority to
22 hold a nurse accountable for meeting all state practice
23 laws in the state in which the patient is located at the
24 time care is rendered through the mutual recognition of
25 party state licenses.

26 ARTICLE II. Definitions

27 As used in this Compact:

28 (a) "Adverse Action" means a home or remote state
29 action.

30 (b) "Alternative program" means a voluntary,
31 non-disciplinary monitoring program approved by a nurse
32 licensing board.

33 (c) "Coordinated licensure information system" means an

1 integrated process for collecting, storing, and sharing
2 information on nurse licensure and enforcement activities
3 related to nurse licensure laws, which is administered by a
4 non-profit organization composed of and controlled by state
5 nurse licensing boards.

6 (d) "Current significant investigative information"
7 means:

8 (1) investigative information that a licensing
9 board, after a preliminary inquiry that includes
10 notification and an opportunity for the nurse to respond
11 if required by state law, has reason to believe is not
12 groundless and, if proved true, would indicate more than
13 a minor infraction; or

14 (2) investigative information that indicates that
15 the nurse represents an immediate threat to public health
16 and safety regardless of whether the nurse has been
17 notified and had an opportunity to respond.

18 (e) "Home state" means the party state which is the
19 nurse's primary state of residence.

20 (f) "Home state action" means any administrative, civil,
21 equitable or criminal action permitted by the home state's
22 laws which are imposed on a nurse by the home state's
23 licensing board or other authority including actions against
24 an individual's license such as: revocation, suspension,
25 probation or any other action which affects a nurse's
26 authorization to practice.

27 (g) "Licensing board" means a party state's regulatory
28 body responsible for issuing nurse licenses.

29 (h) "Multistate licensure privilege" means current,
30 official authority from a remote state permitting the
31 practice of nursing as either a registered nurse or a
32 licensed practical/vocational nurse in such party state. All
33 party states have the authority, in accordance with existing
34 state due process law, to take actions against the nurse's

1 privilege such as: revocation, suspension, probation or any
2 other action which affects a nurse's authorization to
3 practice.

4 (i) "Nurse" means a registered nurse or licensed
5 practical/vocational nurse, as those terms are defined by
6 each party's state practice laws.

7 (j) "Party state" means any state that has adopted this
8 Compact.

9 (k) "Remote state" means a party state, other than the
10 home state,

11 (1) where the patient is located at the time
12 nursing care is provided, or,

13 (2) in the case of the practice of nursing not
14 involving a patient, in such party state where the
15 recipient of nursing practice is located.

16 (l) "Remote state action" means

17 (1) any administrative, civil, equitable or
18 criminal action permitted by a remote state's laws which
19 are imposed on a nurse by the remote state's licensing
20 board or other authority including actions against an
21 individual's multistate licensure privilege to practice
22 in the remote state, and

23 (2) cease and desist and other injunctive or
24 equitable orders issued by remote states or the licensing
25 boards thereof.

26 (m) "State" means a state, territory, or possession of
27 the United States, the District of Columbia or the
28 Commonwealth of Puerto Rico.

29 (n) "State practice laws" means those individual party's
30 state laws and regulations that govern the practice of
31 nursing, define the scope of nursing practice, and create the
32 methods and grounds for imposing discipline. "State practice
33 laws" does not include the initial qualifications for
34 licensure or requirements necessary to obtain and retain a

1 license, except for qualifications or requirements of the
2 home state.

3 ARTICLE III. General Provisions and Jurisdiction

4 (a) A license to practice registered nursing issued by a
5 home state to a resident in that state will be recognized by
6 each party state as authorizing a multistate licensure
7 privilege to practice as a registered nurse in such party
8 state. A license to practice licensed practical/vocational
9 nursing issued by a home state to a resident in that state
10 will be recognized by each party state as authorizing a
11 multistate licensure privilege to practice as a licensed
12 practical/vocational nurse in such party state. In order to
13 obtain or retain a license, an applicant must meet the home
14 state's qualifications for licensure and license renewal as
15 well as all other applicable state laws.

16 (b) Party states may, in accordance with state due
17 process laws, limit or revoke the multistate licensure
18 privilege of any nurse to practice in their state and may
19 take any other actions under their applicable state laws
20 necessary to protect the health and safety of their citizens.
21 If a party state takes such action, it shall promptly notify
22 the administrator of the coordinated licensure information
23 system. The administrator of the coordinated licensure
24 information system shall promptly notify the home state of
25 any such actions by remote states.

26 (c) Every nurse practicing in a party state must comply
27 with the state practice laws of the state in which the
28 patient is located at the time care is rendered. In addition,
29 the practice of nursing is not limited to patient care, but
30 shall include all nursing practice as defined by the state
31 practice laws of a party state. The practice of nursing will
32 subject a nurse to the jurisdiction of the nurse licensing
33 board and the courts, as well as the laws, in that party

1 state.

2 (d) This Compact does not affect additional requirements
3 imposed by states for advanced practice registered nursing.
4 However, a multistate licensure privilege to practice
5 registered nursing granted by a party state shall be
6 recognized by other party states as a license to practice
7 registered nursing if one is required by state law as a
8 precondition for qualifying for advanced practice registered
9 nurse authorization.

10 (e) Individuals not residing in a party state shall
11 continue to be able to apply for nurse licensure as provided
12 for under the laws of each party state. However, the license
13 granted to these individuals will not be recognized as
14 granting the privilege to practice nursing in any other party
15 state unless explicitly agreed to by that party state.

16 ARTICLE IV. Applications for Licensure in a Party State

17 (a) Upon application for a license, the licensing board
18 in a party state shall ascertain, through the coordinated
19 licensure information system, whether the applicant has ever
20 held, or is the holder of, a license issued by any other
21 state, whether there are any restrictions on the multistate
22 licensure privilege, and whether any other adverse action by
23 any state has been taken against the license.

24 (b) A nurse in a party state shall hold licensure in
25 only one party state at a time, issued by the home state.

26 (c) A nurse who intends to change primary state of
27 residence may apply for licensure in the new home state in
28 advance of such change. However, new licenses will not be
29 issued by a party state until after a nurse provides evidence
30 of change in primary state of residence satisfactory to the
31 new home state's licensing board.

32 (d) When a nurse changes primary state of residence by:

33 (1) moving between two party states, and obtains a

1 license from the new home state, the license from the
2 former home state is no longer valid;

3 (2) moving from a non-party state to a party state,
4 and obtains a license from the new home state, the
5 individual state license issued by the non-party state is
6 not affected and will remain in full force if so provided
7 by the laws of the non-party state;

8 (3) moving from a party state to a non-party state,
9 the license issued by the prior home state converts to an
10 individual state license, valid only in the former home
11 state, without the multistate licensure privilege to
12 practice in other party states.

13 ARTICLE V. Adverse Actions

14 In addition to the General Provisions described in
15 Article III, the following provisions apply:

16 (a) The licensing board of a remote state shall promptly
17 report to the administrator of the coordinated licensure
18 information system any remote state actions including the
19 factual and legal basis for such action, if known. The
20 licensing board of a remote state shall also promptly report
21 any significant current investigative information yet to
22 result in a remote state action. The administrator of the
23 coordinated licensure information system shall promptly
24 notify the home state of any such reports.

25 (b) The licensing board of a party state shall have the
26 authority to complete any pending investigations for a nurse
27 who changes primary state of residence during the course of
28 such investigations. It shall also have the authority to take
29 appropriate action(s), and shall promptly report the
30 conclusions of such investigations to the administrator of
31 the coordinated licensure information system. The
32 administrator of the coordinated licensure information system
33 shall promptly notify the new home state of any such actions.

1 (c) A remote state may take adverse action affecting the
2 multistate licensure privilege to practice within that party
3 state. However, only the home state shall have the power to
4 impose adverse action against the license issued by the home
5 state.

6 (d) For purposes of imposing adverse action, the
7 licensing board of the home state shall give the same
8 priority and effect to reported conduct received from a
9 remote state as it would if such conduct had occurred within
10 the home state. In so doing, it shall apply its own state
11 laws to determine appropriate action.

12 (e) The home state may take adverse action based on the
13 factual findings of the remote state, so long as each state
14 follows its own procedures for imposing such adverse action.

15 (f) Nothing in this Compact shall override a party
16 state's decision that participation in an alternative program
17 may be used in lieu of licensure action and that such
18 participation shall remain non-public if required by the
19 party state's laws. Party states must require nurses who
20 enter any alternative programs to agree not to practice in
21 any other party state during the term of the alternative
22 program without prior authorization from such other party
23 state.

24 ARTICLE VI. Additional Authorities Invested
25 in Party State Nurse Licensing Boards

26 Notwithstanding any other powers, party state nurse
27 licensing boards shall have the authority to:

28 (a) if otherwise permitted by state law, recover from
29 the affected nurse the costs of investigations and
30 disposition of cases resulting from any adverse action taken
31 against that nurse;

32 (b) issue subpoenas for both hearings and investigations
33 which require the attendance and testimony of witnesses, and

1 the production of evidence. Subpoenas issued by a nurse
2 licensing board in a party state for the attendance and
3 testimony of witnesses, and/or the production of evidence
4 from another party state, shall be enforced in the latter
5 state by any court of competent jurisdiction, according to
6 the practice and procedure of that court applicable to
7 subpoenas issued in proceedings pending before it. The
8 issuing authority shall pay any witness fees, travel
9 expenses, mileage and other fees required by the service
10 statutes of the state where the witnesses and/or evidence are
11 located.

12 (c) issue cease and desist orders to limit or revoke a
13 nurse's authority to practice in their state;

14 (d) promulgate uniform rules and regulations as provided
15 for in Article VIII(c).

16 ARTICLE VII. Coordinated Licensure Information System

17 (a) All party states shall participate in a cooperative
18 effort to create a coordinated data base of all licensed
19 registered nurses and licensed practical/vocational nurses.
20 This system will include information on the licensure and
21 disciplinary history of each nurse, as contributed by party
22 states, to assist in the coordination of nurse licensure and
23 enforcement efforts.

24 (b) Notwithstanding any other provision of law, all
25 party states' licensing boards shall promptly report adverse
26 actions, actions against multistate licensure privileges, any
27 current significant investigative information yet to result
28 in adverse action, denials of applications, and the reasons
29 for such denials, to the coordinated licensure information
30 system.

31 (c) Current significant investigative information shall
32 be transmitted through the coordinated licensure information
33 system only to party state licensing boards.

1 (d) Notwithstanding any other provision of law, all
2 party states' licensing boards contributing information to
3 the coordinated licensure information system may designate
4 information that may not be shared with non-party states or
5 disclosed to other entities or individuals without the
6 express permission of the contributing state.

7 (e) Any personally identifiable information obtained by
8 a party states' licensing board from the coordinated
9 licensure information system may not be shared with non-party
10 states or disclosed to other entities or individuals except
11 to the extent permitted by the laws of the party state
12 contributing the information.

13 (f) Any information contributed to the coordinated
14 licensure information system that is subsequently required to
15 be expunged by the laws of the party state contributing that
16 information, shall also be expunged from the coordinated
17 licensure information system.

18 (g) The Compact administrators, acting jointly with each
19 other and in consultation with the administrator of the
20 coordinated licensure information system, shall formulate
21 necessary and proper procedures for the identification,
22 collection and exchange of information under this Compact.

23 ARTICLE VIII. Compact Administration and
24 Interchange of Information

25 (a) The head of the nurse licensing board, or his/her
26 designee, of each party state shall be the administrator of
27 this Compact for his/her state.

28 (b) The Compact administrator of each party state shall
29 furnish to the Compact administrator of each other party
30 state any information and documents including, but not
31 limited to, a uniform data set of investigations, identifying
32 information, licensure data, and disclosable alternative
33 program participation information to facilitate the

1 administration of this Compact.

2 (c) Compact administrators shall have the authority to
3 develop uniform rules to facilitate and coordinate
4 implementation of this Compact. These uniform rules shall be
5 adopted by party states, under the authority invested under
6 Article VI (d).

7 ARTICLE IX. Immunity

8 No party state or the officers or employees or agents of
9 a party state's nurse licensing board who acts in accordance
10 with the provisions of this Compact shall be liable on
11 account of any act or omission in good faith while engaged in
12 the performance of their duties under this Compact. Good
13 faith in this article shall not include willful misconduct,
14 gross negligence, or recklessness.

15 ARTICLE X. Entry into Force, Withdrawal and Amendment

16 (a) This Compact shall enter into force and become
17 effective as to any state when it has been enacted into the
18 laws of that state. Any party state may withdraw from this
19 Compact by enacting a statute repealing the same, but no such
20 withdrawal shall take effect until six months after the
21 withdrawing state has given notice of the withdrawal to the
22 executive heads of all other party states.

23 (b) No withdrawal shall affect the validity or
24 applicability by the licensing boards of states remaining
25 party to the Compact of any report of adverse action
26 occurring prior to the withdrawal.

27 (c) Nothing contained in this Compact shall be construed
28 to invalidate or prevent any nurse licensure agreement or
29 other cooperative arrangement between a party state and a
30 non-party state that is made in accordance with the other
31 provisions of this Compact.

1 (d) This Compact may be amended by the party states. No
2 amendment to this Compact shall become effective and binding
3 upon the party states unless and until it is enacted into the
4 laws of all party states.

5 ARTICLE XI. Construction and Severability

6 (a) This Compact shall be liberally construed so as to
7 effectuate the purposes thereof. The provisions of this
8 Compact shall be severable and if any phrase, clause,
9 sentence or provision of this Compact is declared to be
10 contrary to the constitution of any party state or of the
11 United States or the applicability thereof to any government,
12 agency, person or circumstance is held invalid, the validity
13 of the remainder of this Compact and the applicability
14 thereof to any government, agency, person or circumstance
15 shall not be affected thereby. If this Compact shall be held
16 contrary to the constitution of any state party thereto, the
17 Compact shall remain in full force and effect as to the
18 remaining party states and in full force and effect as to the
19 party state affected as to all severable matters.

20 (b) In the event party states find a need for settling
21 disputes arising under this Compact:

22 (1) The party states may submit the issues in
23 dispute to an arbitration panel which will be comprised
24 of an individual appointed by the Compact administrator
25 in the home state; an individual appointed by the Compact
26 administrator in the remote state(s) involved; and an
27 individual mutually agreed upon by the Compact
28 administrators of all the party states involved in the
29 dispute.

30 (2) The decision of a majority of the arbitrators
31 shall be final and binding.

32 Section 10. Compact administrator. The head of the nurse

1 licensing board as used to define the compact administrator
2 in Article VIII(a) of the Compact shall mean the Nursing Act
3 Coordinator as defined under Section 10-15 of the Nursing and
4 Advanced Practice Nursing Act.

5 Section 12. Rules. The Department of Professional
6 Regulation shall adopt any rules necessary for the
7 implementation of this Act.

8 Section 15. Compact Evaluation Initiative. Upon the
9 effective date of this Compact, the licensing board shall
10 participate in a Compact Evaluation Initiative designed to
11 evaluate the effectiveness and operability of the Compact.
12 Such Compact Evaluation Initiative shall be conducted by an
13 outside researcher. A component of the Evaluation shall
14 include a remote state identification system through which
15 nurses shall designate those remote states in which the nurse
16 is practicing. A nurse's practice information in such
17 identification system shall be updated upon issuance and
18 renewal of the nurse license. The Evaluation shall continue
19 until the year 2005, after which time a report shall be
20 produced for comment by the participating licensing boards
21 and shall be submitted to the General Assembly in the form of
22 a Nurse Licensure Compact evaluation report.

23 Section 20. Costs of investigation and disposition of
24 cases. To facilitate cross-state enforcement efforts, the
25 General Assembly finds that it is necessary for Illinois to
26 have the power to recover from the affected nurse the costs
27 of investigations and disposition of cases resulting from
28 adverse actions taken by this State against that nurse.

29 Section 25. Statutory obligations. This Compact is
30 designed to facilitate the regulation of nurses and does not

1 relieve employers from complying with statutorily imposed
2 obligations.

3 Section 30. State labor laws. This Compact does not
4 supersede existing State labor laws.

5 Section 90. The Nursing and Advanced Practice Nursing
6 Act is amended by changing Sections 5-10, 5-15, and 10-30 as
7 follows:

8 (225 ILCS 65/5-10)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 5-10. Definitions. Each of the following terms,
11 when used in this Act, shall have the meaning ascribed to it
12 in this Section, except where the context clearly indicates
13 otherwise:

14 (a) "Department" means the Department of Professional
15 Regulation.

16 (b) "Director" means the Director of Professional
17 Regulation.

18 (c) "Board" means the Board of Nursing appointed by the
19 Director.

20 (d) "Academic year" means the customary annual schedule
21 of courses at a college, university, or approved school,
22 customarily regarded as the school year as distinguished from
23 the calendar year.

24 (e) "Approved program of professional nursing education"
25 and "approved program of practical nursing education" are
26 programs of professional or practical nursing, respectively,
27 approved by the Department under the provisions of this Act.

28 (f) "Nursing Act Coordinator" means a registered
29 professional nurse appointed by the Director to carry out the
30 administrative policies of the Department.

31 (g) "Assistant Nursing Act Coordinator" means a

1 registered professional nurse appointed by the Director to
2 assist in carrying out the administrative policies of the
3 Department.

4 (h) "Registered" is the equivalent of "licensed".

5 (i) "Practical nurse" or "licensed practical nurse"
6 means a person who is licensed as a practical nurse under
7 this Act or holds the privilege to practice under this Act
8 and practices practical nursing as defined in paragraph (j)
9 of this Section. Only a practical nurse licensed or granted
10 the privilege to practice under this Act is entitled to use
11 the title "licensed practical nurse" and the abbreviation
12 "L.P.N.".

13 (j) "Practical nursing" means the performance of nursing
14 acts requiring the basic nursing knowledge, judgement, and
15 skill acquired by means of completion of an approved
16 practical nursing education program. Practical nursing
17 includes assisting in the nursing process as delegated by and
18 under the direction of a registered professional nurse. The
19 practical nurse may work under the direction of a licensed
20 physician, dentist, podiatrist, or other health care
21 professional determined by the Department.

22 (k) "Registered Nurse" or "Registered Professional
23 Nurse" means a person who is licensed as a professional nurse
24 under this Act or holds the privilege to practice under this
25 Act and practices nursing as defined in paragraph (l) of this
26 Section. Only a registered nurse licensed or granted the
27 privilege to practice under this Act is entitled to use the
28 titles "registered nurse" and "registered professional nurse"
29 and the abbreviation, "R.N.".

30 (l) "Registered professional nursing practice" includes
31 all nursing specialities and means the performance of any
32 nursing act based upon professional knowledge, judgment, and
33 skills acquired by means of completion of an approved
34 registered professional nursing education program. A

1 registered professional nurse provides nursing care
2 emphasizing the importance of the whole and the
3 interdependence of its parts through the nursing process to
4 individuals, groups, families, or communities, that includes
5 but is not limited to: (1) the assessment of healthcare
6 needs, nursing diagnosis, planning, implementation, and
7 nursing evaluation; (2) the promotion, maintenance, and
8 restoration of health; (3) counseling, patient education,
9 health education, and patient advocacy; (4) the
10 administration of medications and treatments as prescribed by
11 a physician licensed to practice medicine in all of its
12 branches, a licensed dentist, a licensed podiatrist, or a
13 licensed optometrist or as prescribed by a physician
14 assistant in accordance with written guidelines required
15 under the Physician Assistant Practice Act of 1987 or by an
16 advanced practice nurse in accordance with a written
17 collaborative agreement required under the Nursing and
18 Advanced Practice Nursing Act; (5) the coordination and
19 management of the nursing plan of care; (6) the delegation to
20 and supervision of individuals who assist the registered
21 professional nurse implementing the plan of care; and (7)
22 teaching and supervision of nursing students. The foregoing
23 shall not be deemed to include those acts of medical
24 diagnosis or prescription of therapeutic or corrective
25 measures that are properly performed only by physicians
26 licensed in the State of Illinois.

27 (m) "Current nursing practice update course" means a
28 planned nursing education curriculum approved by the
29 Department consisting of activities that have educational
30 objectives, instructional methods, content or subject matter,
31 clinical practice, and evaluation methods, related to basic
32 review and updating content and specifically planned for
33 those nurses previously licensed in the United States or its
34 territories and preparing for reentry into nursing practice.

1 (n) "Professional assistance program for nurses" means a
2 professional assistance program that meets criteria
3 established by the Board of Nursing and approved by the
4 Director, which provides a non-disciplinary treatment
5 approach for nurses licensed under this Act whose ability to
6 practice is compromised by alcohol or chemical substance
7 addiction.

8 (o) "Privilege to practice" means the authorization to
9 practice as a practical nurse or a registered nurse in the
10 State under the Nurse Licensure Compact.

11 (p) "License" or "licensed" means the permission granted
12 a person to practice nursing under this Act, including the
13 privilege to practice.

14 (q) "Licensee" means a person who has been issued a
15 license to practice nursing in the state or who holds the
16 privilege to practice nursing in this State.

17 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;
18 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

19 (225 ILCS 65/5-15)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 5-15. Policy; application of Act. For the protection
22 of life and the promotion of health, and the prevention of
23 illness and communicable diseases, any person practicing or
24 offering to practice professional and practical nursing in
25 Illinois shall submit evidence that he or she is qualified to
26 practice, and shall be licensed or hold the privilege to
27 practice as provided under this Act. No person shall
28 practice or offer to practice professional or practical
29 nursing in Illinois or use any title, sign, card or device to
30 indicate that such a person is practicing professional or
31 practical nursing unless such person has been licensed or
32 holds the privilege to practice under the provisions of this
33 Act.

1 This Act does not prohibit the following:

2 (a) The practice of nursing in Federal employment
3 in the discharge of the employee's duties by a person who
4 is employed by the United States government or any
5 bureau, division or agency thereof and is a legally
6 qualified and licensed nurse of another state or
7 territory and not in conflict with Sections 10-5, 10-30,
8 and 10-45 of this Act.

9 (b) Nursing that is included in their program of
10 study by students enrolled in programs of nursing or in
11 current nurse practice update courses approved by the
12 Department.

13 (c) The furnishing of nursing assistance in an
14 emergency.

15 (d) The practice of nursing by a nurse who holds an
16 active license in another state when providing services
17 to patients in Illinois during a bonafide emergency or in
18 immediate preparation for or during interstate transit.

19 (e) The incidental care of the sick by members of
20 the family, domestic servants or housekeepers, or care of
21 the sick where treatment is by prayer or spiritual means.

22 (f) Persons from being employed as nursing aides,
23 attendants, orderlies, and other auxiliary workers in
24 private homes, long term care facilities, nurseries,
25 hospitals or other institutions.

26 (g) The practice of practical nursing by one who
27 has applied in writing to the Department in form and
28 substance satisfactory to the Department, for a license
29 as a licensed practical nurse and who has complied with
30 all the provisions under Section 10-30, except the
31 passing of an examination to be eligible to receive such
32 license, until: the decision of the Department that the
33 applicant has failed to pass the next available
34 examination authorized by the Department or has failed,

1 without an approved excuse, to take the next available
2 examination authorized by the Department or until the
3 withdrawal of the application, but not to exceed 3
4 months. No applicant for licensure practicing under the
5 provisions of this paragraph shall practice practical
6 nursing except under the direct supervision of a
7 registered professional nurse licensed under this Act or
8 a licensed physician, dentist or podiatrist. In no
9 instance shall any such applicant practice or be employed
10 in any supervisory capacity.

11 (h) The practice of practical nursing by one who is
12 a licensed practical nurse under the laws of another U.S.
13 jurisdiction and has applied in writing to the
14 Department, in form and substance satisfactory to the
15 Department, for a license as a licensed practical nurse
16 and who is qualified to receive such license under
17 Section 10-30, until (1) the expiration of 6 months after
18 the filing of such written application, (2) the
19 withdrawal of such application, or (3) the denial of such
20 application by the Department.

21 (i) The practice of professional nursing by one who
22 has applied in writing to the Department in form and
23 substance satisfactory to the Department for a license as
24 a registered professional nurse and has complied with all
25 the provisions under Section 10-30 except the passing of
26 an examination to be eligible to receive such license,
27 until the decision of the Department that the applicant
28 has failed to pass the next available examination
29 authorized by the Department or has failed, without an
30 approved excuse, to take the next available examination
31 authorized by the Department or until the withdrawal of
32 the application, but not to exceed 3 months. No
33 applicant for licensure practicing under the provisions
34 of this paragraph shall practice professional nursing

1 except under the direct supervision of a registered
2 professional nurse licensed under this Act. In no
3 instance shall any such applicant practice or be employed
4 in any supervisory capacity.

5 (j) The practice of professional nursing by one who
6 is a registered professional nurse under the laws of
7 another state, territory of the United States or country
8 and has applied in writing to the Department, in form and
9 substance satisfactory to the Department, for a license
10 as a registered professional nurse and who is qualified
11 to receive such license under Section 10-30, until (1)
12 the expiration of 6 months after the filing of such
13 written application, (2) the withdrawal of such
14 application, or (3) the denial of such application by the
15 Department.

16 (k) The practice of professional nursing that is
17 included in a program of study by one who is a registered
18 professional nurse under the laws of another state or
19 territory of the United States or foreign country,
20 territory or province and who is enrolled in a graduate
21 nursing education program or a program for the completion
22 of a baccalaureate nursing degree in this State, which
23 includes clinical supervision by faculty as determined by
24 the educational institution offering the program and the
25 health care organization where the practice of nursing
26 occurs. The educational institution will file with the
27 Department each academic term a list of the names and
28 origin of license of all professional nurses practicing
29 nursing as part of their programs under this provision.

30 (l) Any person licensed in this State under any
31 other Act from engaging in the practice for which she or
32 he is licensed.

33 (m) Delegation to authorized direct care staff
34 trained under Section 15.4 of the Mental Health and

1 Developmental Disabilities Administrative Act.

2 An applicant for license practicing under the exceptions
3 set forth in subparagraphs (g), (h), (i), and (j) of this
4 Section shall use the title R.N. Lic. Pend. or L.P.N. Lic.
5 Pend. respectively and no other.

6 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;
7 90-655, eff. 7-30-98; 90-742, eff. 8-13-98; 91-630, eff.
8 8-19-99.)

9 (225 ILCS 65/10-30)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 10-30. Qualifications for licensure.

12 (a) Each applicant who successfully meets the
13 requirements of this Section shall be entitled to licensure
14 as a Registered Nurse or Licensed Practical Nurse, whichever
15 is applicable.

16 (b) An applicant for licensure by examination to
17 practice as a registered nurse or licensed practical nurse
18 shall:

19 (1) submit a completed written application, on
20 forms provided by the Department and fees as established
21 by the Department;

22 (2) for registered nurse licensure, have graduated
23 from a professional nursing education program approved by
24 the Department;

25 (2.5) for licensed practical nurse licensure, have
26 graduated graduate from a practical nursing education
27 program approved by the Department;

28 (3) have not violated the provisions of Section
29 10-45 of this Act. The Department may take into
30 consideration any felony conviction of the applicant, but
31 such a conviction shall not operate as an absolute bar to
32 licensure;

33 (4) meet all other requirements as established by

1 rule;

2 (5) pay, either to the Department or its designated
3 testing service, a fee covering the cost of providing the
4 examination. Failure to appear for the examination on
5 the scheduled date at the time and place specified after
6 the applicant's application for examination has been
7 received and acknowledged by the Department or the
8 designated testing service shall result in the forfeiture
9 of the examination fee.

10 If an applicant neglects, fails, or refuses to take an
11 examination or fails to pass an examination for a license
12 under this Act within 3 years after filing the application,
13 the application shall be denied. However, the applicant may
14 make a new application accompanied by the required fee and
15 provide evidence of meeting the requirements in force at the
16 time of the new application.

17 An applicant may take and successfully complete a
18 Department-approved examination in another jurisdiction.
19 However, an applicant who has never been licensed previously
20 in any jurisdiction that utilizes a Department-approved
21 examination and who has taken and failed to pass the
22 examination within 3 years after filing the application must
23 submit proof of successful completion of a
24 Department-authorized nursing education program or
25 recompletion of an approved registered nursing program or
26 licensed practical nursing program, as appropriate, prior to
27 re-application.

28 An applicant shall have one year from the date of
29 notification of successful completion of the examination to
30 apply to the Department for a license. If an applicant fails
31 to apply within one year, the applicant shall be required to
32 again take and pass the examination unless licensed in
33 another jurisdiction of the United States within one year of
34 passing the examination.

1 (c) An applicant for licensure by endorsement who is a
2 registered professional nurse or a licensed practical nurse
3 licensed by examination under the laws of another state or
4 territory of the United States or a foreign country,
5 jurisdiction, territory, or province shall:

6 (1) submit a completed written application, on
7 forms supplied by the Department, and fees as established
8 by the Department;

9 (2) for registered nurse licensure, have graduated
10 from a professional nursing education program approved by
11 the Department;

12 (2.5) for licensed practical nurse licensure, have
13 graduated from a practical nursing education program
14 approved by the Department;

15 (3) submit verification of licensure status
16 directly from the United States jurisdiction of
17 licensure, if applicable, as defined by rule;

18 (4) have passed the examination authorized by the
19 Department;

20 (5) meet all other requirements as established by
21 rule.

22 (d) All applicants for registered nurse licensure
23 pursuant to item (2) of subsection (b) and item (2) of
24 subsection (c) of this Section who are graduates of nursing
25 educational programs in a country other than the United
26 States or its territories must submit to the Department
27 certification of successful completion of the Commission of
28 Graduates of Foreign Nursing Schools (CGFNS) examination. An
29 applicant who is unable to provide appropriate documentation
30 to satisfy CGFNS of her or his educational qualifications for
31 the CGFNS examination shall be required to pass an
32 examination to test competency in the English language, which
33 shall be prescribed by the Department, if the applicant is
34 determined by the Board to be educationally prepared in

1 nursing. The Board shall make appropriate inquiry into the
2 reasons for any adverse determination by CGFNS before making
3 its own decision.

4 An applicant licensed in another state or territory who
5 is applying for licensure and has received her or his
6 education in a country other than the United States or its
7 territories shall be exempt from the completion of the
8 Commission of Graduates of Foreign Nursing Schools (CGFNS)
9 examination if the applicant meets all of the following
10 requirements:

11 (1) successful passage of the licensure examination
12 authorized by the Department;

13 (2) holds an active, unencumbered license in
14 another state; and

15 (3) has been actively practicing for a minimum of 2
16 years in another state.

17 (e) (Blank).

18 (f) Pending the issuance of a license under subsection
19 (c) of this Section, the Department may grant an applicant a
20 temporary license to practice nursing as a registered nurse
21 or as a licensed practical nurse if the Department is
22 satisfied that the applicant holds an active, unencumbered
23 license in good standing in another jurisdiction. If the
24 applicant holds more than one current active license, or one
25 or more active temporary licenses from other jurisdictions,
26 the Department shall not issue a temporary license until it
27 is satisfied that each current active license held by the
28 applicant is unencumbered. The temporary license, which
29 shall be issued no later than 14 working days following
30 receipt by the Department of an application for the temporary
31 license, shall be granted upon the submission of the
32 following to the Department:

33 (1) a signed and completed application for
34 licensure under subsection (a) of this Section as a

1 registered nurse or a licensed practical nurse;

2 (2) proof of a current, active license in at least
3 one other jurisdiction and proof that each current active
4 license or temporary license held by the applicant within
5 the last 5 years is unencumbered;

6 (3) a signed and completed application for a
7 temporary license; and

8 (4) the required temporary license fee.

9 (g) The Department may refuse to issue an applicant a
10 temporary license authorized pursuant to this Section if,
11 within 14 working days following its receipt of an
12 application for a temporary license, the Department
13 determines that:

14 (1) the applicant has been convicted of a crime
15 under the laws of a jurisdiction of the United States:

16 (i) which is a felony; or (ii) which is a misdemeanor
17 directly related to the practice of the profession,
18 within the last 5 years;

19 (2) within the last 5 years the applicant has had a
20 license or permit related to the practice of nursing
21 revoked, suspended, or placed on probation by another
22 jurisdiction, if at least one of the grounds for
23 revoking, suspending, or placing on probation is the same
24 or substantially equivalent to grounds in Illinois; or

25 (3) it intends to deny licensure by endorsement.

26 For purposes of this Section, an "unencumbered license"
27 means a license against which no disciplinary action has been
28 taken or is pending and for which all fees and charges are
29 paid and current.

30 (h) The Department may revoke a temporary license issued
31 pursuant to this Section if:

32 (1) it determines that the applicant has been
33 convicted of a crime under the law of any jurisdiction of
34 the United States that is (i) a felony or (ii) a

1 misdemeanor directly related to the practice of the
2 profession, within the last 5 years;

3 (2) it determines that within the last 5 years the
4 applicant has had a license or permit related to the
5 practice of nursing revoked, suspended, or placed on
6 probation by another jurisdiction, if at least one of the
7 grounds for revoking, suspending, or placing on probation
8 is the same or substantially equivalent to grounds in
9 Illinois; or

10 (3) it determines that it intends to deny licensure
11 by endorsement.

12 A temporary license shall expire 6 months from the date
13 of issuance. Further renewal may be granted by the
14 Department in hardship cases, as defined by rule and upon
15 approval of the Director. However, a temporary license shall
16 automatically expire upon issuance of the Illinois license or
17 upon notification that the Department intends to deny
18 licensure, whichever occurs first.

19 (i) Applicants have 3 years from the date of application
20 to complete the application process. If the process has not
21 been completed within 3 years from the date of application,
22 the application shall be denied, the fee forfeited, and the
23 applicant must reapply and meet the requirements in effect at
24 the time of reapplication.

25 (j) A practical nurse licensed by a party state under
26 the Nurse Licensure Compact is granted the privilege to
27 practice practical nursing in this State. A registered nurse
28 licensed by a party state under the Nurse Licensure Compact
29 is granted the privilege to practice registered nursing in
30 this State. A practical nurse or registered nurse who has
31 been granted the privilege to practice nursing in this State
32 under this subsection, shall notify the Department, prior to
33 commencing employment in this State as a practical or
34 registered nurse, of the identity and location of the nurse's

1 prospective employer. A practical nurse or registered nurse
2 who has been granted the privilege to practice nursing in
3 this State under this subsection is subject to the schedule
4 of fees authorized under Section 20-35 and the criminal
5 background check required under Section 5-23 of this Act,
6 provided that the practical or registered nurse may exercise
7 her privilege to practice pending completion of the criminal
8 background check.

9 (Source: P.A. 92-39, eff. 6-29-01; 92-744, eff. 7-25-02;
10 revised 2-17-03.)

11 Section 99. Effective date. This Section and Section 12
12 take effect upon becoming law and all other Sections take
13 effect on January 1, 2004."